IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 356 of 1993

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SHIVPRASAD SAHDEVPRASAD KANOJIYA

Versus

M.K DAS

Appearance:

MR AJ MEMON for Petitioner

NOTICE SERVED for Respondent No. 1

MR KC SHAH APP for Respondent No. 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 09/05/2000

ORAL JUDGEMENT

Heard the learned advocates.

This Revision under section 397 CRPC arises of

the order dated 5th September, 1993, made by the Sub Divisional Magistrate, Dabhoi, under the powers conferred upon him under section 144 (1) CRPC.

It appears that the petitioner is the Pujari of Narmada Mata Temple situated at Dabhoi . Under the agreement dated 21st July, 1993, the petitioner had agreed to hand over the triangular piece of land admeasuring 13 SQ.MT. to Dabhoi Municipality for the purpose of public road. Accordingly, the said piece of land was taken over by the Municipality for being used as a public road. However, in the month of September, 1993, it was complained that the petitioner and his family members were restraining the people from entering the said piece of land or for using the same as a road. Thereupon the aforesaid proceedings were initiated against the petitioner. By the impugned order dated 5th September, 1993, the Sub Divisional Magistrate had directed that neither the petitioner nor any of the members of his family shall enter the said piece of land till further orders or for 15 days, whichever be the earlier. Feeling aggrieved, the petitioner has preferred the present Revision.

Apparently, the impugned order was made maximum for a period of 15 days and in view of the passage of time, the Revision has become infructuous. Revision is accordingly disposed of. Rule is discharged.

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JOSHI